

**MINUTES OF THE ZONING, IMPLEMENTATION, POLICY, PROCEDURE AND
ORDINANCE REVIEW (ZIPPOR) COMMITTEE OF THE
PLANNING AND ZONING COMMISSION**

August 19, 2021
9:30 a.m.

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Phoenix, Arizona

MEMBERS PRESENT:

Mr. Greg Arnett, Chairman
Mr. Jay Swart, Vice Chairman
Mr. Kevin Danzeisen
Mr. Matt Gress (left at 10:25 a.m.)
Mr. Erik Hernandez
Ms. Kate McGee (left at 9:50 a.m.)
Ms. Francisca Montoya

MEMBERS ABSENT:

Mr. Jimmy Lindblom
Mr. Lucas Schlosser

STAFF PRESENT:

Mr. Tom Ellsworth, Planning and Development Director
Mr. Darren Gerard, Planning Services Manager
Mr. Matt Holm, Planning Supervisor
Ms. Rachel Applegate, Senior Planner
Mr. Ray Banker, Senior Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Mr. David Anderson, Business Engagement Mgr., OET
Ms. Pearl Duran, OET

Chairman Arnett made the standard announcements, and asked if there were any changes or comments to the ZIPPOR minutes for June 17. None.

COMMISSION ACTION: Chairman Arnett approved the June 17, 2021 ZIPPOR minutes as written.

REGULAR AGENDA

Purpose: ZIPPOR meeting is for discussion purposes only to address the Maricopa County Area Plan Program.

Mr. Banker said the Vision 2030 plan was adopted in 2016 with 9 planning elements which include transportation, environment, economic growth, growth areas, open space, water resources, energy, and cost of development. There are goals and policies and objectives for each element. The area plans also include these planning elements. There are 13 active Area Plans and most of them were adopted over 20 years ago and have not been updated since. The last update was for the Daisy Mountain/New River area plan back in 2019 and before that the last one was in 2007. These plans need to be reviewed for existing conditions to help

determine relevancy, and which ones to update in the near future. He analyzed to see which have had the most change since they were adopted or last updated. The county jurisdictions is slowly getting smaller, and a lot of municipalities have annexed the land. It is important to see how much has changed and been incorporated since. Staff established four criteria – how old is the plan, total area of land that has been incorporated through annexation, the amount of activity through Comprehensive Plan Amendment (CPA), or Development Master Plan (DMP) activity in the last 10 years, and unique factors looking for potential growth areas. Based on the criteria, a chart was created with the first five areas that are potential to eliminate, and one defined to be the next area plan to update. Plus seven other areas where staff does not see them changing in the near future.

Area plans to consider for elimination 1) The Laveen Area Plan adopted back in 1992 and it hasn't been updated since. This plan area has a total of 27 square miles and already 70 percent has been annexed into the City of Phoenix leaving 8 miles of county jurisdiction. It includes mostly rural densities and open space along Dobbins Road and smaller lot residential near 67th Avenue and Baseline Road. The remaining is north of Southern Avenue near the river where there is mostly open space and industrial zoning. 2) The Estrella Area Plan was adopted back in 1992 and hasn't been updated since. It is 25 square miles where 60 percent has been annexed. It is multiple jurisdictions with City of Phoenix to the east, City of Avondale to the west, and City of Tolleson to the north. A major portion of the 10-1/2 square miles left is along the southern portion which is adjacent to the river. Most of these properties consist of open space and rural densities, vacant land and undeveloped agricultural. 3) The Mobile Area Plan is one of the most remote southern portion of the county, adopted in 1991. It has 88 percent of the total land area annexed into the City of Goodyear. Back in 2007 the City of Goodyear did a large land annex leaving 4.3 square miles left in the county jurisdiction. This includes a 1,000 acre landfill site. 4) The East Mesa Area Plan adopted in 1992 and has not been updated since. Total area is 96 square miles with 58 percent being annexed mostly into the City of Mesa jurisdiction, and southwest into the Town of Gilbert. Most activity is in the Apache Trail area with commercial strip zoning in that corridor. There is still 40 square miles of unincorporated land within this plan area, and a good portion is for the Utery Mountain Regional Park with 3,600 acres. 5) The Queen Creek Area plan was adopted in 1992 and includes several planning municipalities, the City of Queen Creek, City of Chandler, and City of Mesa. Only 14 square miles of the 92 square mile plan remain in the county jurisdiction. That is 85 percent already incorporated. There are portions of San Tan Blvd. and Riggs Road that include commercial and residential uses. There are parcels already in the process or will be soon to be annexed in the near future.

Proposal for the next area plan update is the White Tank/Grand Avenue Area Plan, it is the largest with a total area of 759 square miles with only 42 percent being incorporated. The county still has 320 square miles in this area. Portions of this plan for annexation include the City of Phoenix, Goodyear, Buckeye, Glendale, Avondale, Litchfield Park, Surprise, Peoria, El Mirage, and Youngtown jurisdictions. In this area plan we have seen the most activity with CPA's, DMP's within the last 10 years with residential and master plan communities and commercial. We have seen tremendous growth along the Loop 303 corridor. In order to update this area plan we would need to further analyze the growth areas, the potential for growth, and possibly extend the area plan boundaries and possibly a name change.

Mr. Banker said this meeting is for discussion only and if the commission likes staffs approach the next steps would be to further examine the possibility of eliminating some of these plans. This would also include the communities and municipalities input. The next step for the White Tank/Grand Avenue Area Plan is to start strategy and timeline for future hearing dates to the

Board of Supervisors for their consideration. Staff will continue to identify these growth areas and patterns to help determine options for future plan updates.

Commissioner Montoya said there is a proposed transportation tax in next year's election, and if it passes it will provide funding for an expressway to connect the Loop 303 to the Loop 202, and even connect to I-17 and come through the Estrella Village. She asked what impact would this have on the Estrella Village Plan. Mr. Holm, the Planning Supervisor said they are aware of that extension. In all areas of the county we coordinate closely with the department of transportation and in this instance, it would be Arizona Department of Transportation (ADOT). As projects come through we coordinate with them to know where that alignment is going to be then we plan and prepare accordingly with that corridor. If some of these plans are dissolved the remaining area become the rural development area. This is part of our comprehensive plan whether they are part of an area plan or not. The rural development areas are areas where there is not an area plan that covers them, or they are so far out there is probably not going to be an area plan because of no growth into the future. A lot of these areas are county islands and we have them all over the place. They vary from a few acres up to hundreds of square miles. We need to figure out how we plan for them to establish good planning and land uses in those county islands. Annexation throughout time is not a smooth and clean process, it leaves county islands we have to address.

Commissioner Montoya said she has seen some of the proposed alignments going through the Estrella Area Plan and asked what would be the implications of some of that land being annexed for the construction of this alignment, and how would changing the designation of that area to rural. How would it align with the design guidelines by the City of Phoenix? Mr. Holm said the rural development area is basically if it is rural zoning that's what is on the ground and if it is commercial zoning that's what it is. It is a holding pattern more than anything until it is annexed by the cities, and once it is annexed it becomes part of that municipality. It falls under their jurisdiction for planning and any changes to the zoning that would occur on that property. Annexation is a process exclusive to the cities and the property owners. The county has no authority and it has no say in annexations. It is strictly the annexing municipality and the property owner. If they come to a mutual agreement to annex then it goes through their city then they would notify the county so we can update our records.

Commissioner Danzeisen asked if it's in the holding pattern and you drop the plan then you can no longer change the zoning. Mr. Holm said no, you can change the zoning as long as it is in the county's jurisdiction, it is only if the land is annexed into a municipality. A lot of these areas have been identified for annexation in the future, whether that happens or not is anybody's guess. Coordinating the roadways and other types of infrastructure as they cross the jurisdictional boundaries is where things become complex.

Commissioner Montoya asked what are the advantages or disadvantages of eliminating these 5 area plans. Mr. Holm said some of these plans are 30 years old and things have changed so much. It is how best to address those areas going forward. From a resource standpoint we look at what are the large unincorporated areas and are they or will be experiencing significant growth in the future. The White Tank/Grand Avenue area is where we've seen significant growth and we'll need to reexamine the plan and the boundaries of that plan because we've seen a lot of growth going up towards Wickenburg. Some plans won't be updated because there is not enough land left to create a significant area plan. We would look at the county island study

to address the issues of what is left in these areas. Some areas we don't have area plans and have county islands like Tempe, Chandler and Gilbert. It is a broad and comprehensive look on how we would address these county islands like Laveen, Estrella and some of these other areas.

Chairman Arnett said this makes perfect sense and he believes staff is going in the right direction. Mr. Holm said some county islands are still being created and some are being eliminated through annexation and they vary in size. Some of the large county islands were the result of strip annexations that occurred in the early 1980's and have been outlawed since the 80's and they still stand. The municipalities would annex a 10-foot wide area and they go many miles from their existing jurisdiction to prevent other municipalities from annexing. We are still dealing with those and a lot of small ones. You can usually spot a county island by just driving through it, the standards are a lot different and the roads go from wide to narrow. We want to effectively address the needs of all the residents in these county islands either they are in these area plans or outside of them.

Commissioner Montoya asked about some of these county islands that have been approached for annexation but have historically not supported annexation. Are there any of these in those areas to be eliminated. Mr. Holm said usually the hesitance to annex because these are rural areas with privileges to have animals and horses, and the property owners want to stay in the county. We have numerous of these in Gilbert, Chandler and Tempe where you drive through those cities and see horse barns and farms. They like that lifestyle and stay in the county because of that. The decision to annex is between a city and the property owner. Sometimes the city will approach the property owner to see if they are interested in annexing, and other times the property owner will approach the city wanting to get other services from the city.

Chairman Arnett said there's been a lot of work done here from staff, the presentation, map and charts have been helpful.

Mr. Holm said any type of planning effort we do whether it is an area plan update or a county island program study will involve extensive outreach to all of our communities and what issues they face as county island residents.

Vice Chairman Swart asked what if there's 12 homes that still remain in a county island would it take a majority vote or what is the standard. Mr. Holm said there is a standard outlined in state statutes, Title 9 which governs the cities. It is a certain percentage of total land and a percentage of property owners. There also has to be continuity of the city and you have to annex off of existing land.

Mr. Ellsworth said property owners can petition a city for annexation. The minimum requirement is 51 percent of property owners in a defined area and they also have to represent a majority or 51 percent of the property value for that area. It is just a petition to the city itself and that municipality would need to pass an ordinance adopting an annexation ordinance. Annexation is initiated by property owners in most instances.

Chairman Arnett said he is not worried about the properties with homes where some people don't want to be annexed. His concern is more of these larger chunks of land where a county island is not developed, and what do we do with these pieces of land that are undeveloped and sometimes not as desirable.

Mr. Dan Penton said he lives in Laveen area within the city. Redefining some of the boundary areas and addressing some of the current plans sounds like a good alternative, and potentially eliminating plans all together. The State Route 30 going through Estrella will intersect with the Loop 202 in Laveen, and there is the riverbed with a lot of rural areas in the county. The Carver Foothills is all county jurisdiction and the community by the casino, and others along Dobbins Road with some historic property. Some people he spoke with said they are in fear to be picked for annexation into the city and do not want that. The Laveen Planning Committee (LPC) was involved helping draft the Laveen Area Plan back in 1989 and they have been wanting to get it updated soon. He thanked staff for the very well done presentation.

Chairman Arnett asked if anyone else from the public wished to speak. None.

Chairman Arnett said his understanding is elimination of an area plan does not put someone's current zoning in jeopardy. Mr. Holm said correct, under state statute Maricopa County is required to adopt a comprehensive plan for its area of jurisdiction and there are certain elements that have to be included in the comprehensive plan. It sets up policies and goals to address each of those required elements. Part of the comprehensive plan is a land use plan for the county. This county is as big as the state of Vermont and it is not feasible to do a land use plan on a scale that large. Many years ago the county went with their area plan program, and the county area plans do not have any entitlement, that's the zoning. Zoning is not eliminated and it is not changed or altered one way or the other. If someone comes in with a development proposal, under state law we take a look at their zoning and if it does not match they have to rezone the property. Where the plan comes into play, under state law your zoning has to be consistent with what the plan says. If you have a proposal for commercial and the land use plan says it is rural they would have to amend that plan in order to move forward with any type of zone change. Whatever zoning is on the property it cannot be changed with any type of area plan or comprehensive plan.

Mr. Peck said state law does not only require Maricopa County to adopt a plan. All counties must adopt a comprehensive plan and all municipalities must adopt a general plan. Cities and counties are not required by law to zone, they are required by law to plan. Another way to think of it is the comprehensive plan is the blueprint as to how the governing body would like to see the county develop. Zoning gives the method to implement the blueprint. You can never change the comprehensive plan or the zoning ordinance without public participation.

Chairman Arnett said he appreciates the good work by staff and he supports this.

No action by the Commission this was a discussion item only regarding the Maricopa County Area Plan Program.

Chairman Arnett adjourned the meeting at 10:27 a.m.

Prepared by Rosalie Pinney
Recording Secretary
August 19, 2021